

0751 RF 93

DATE 3-16-93

ACTION Benedetti

DIST. ☒ LTR ☒ ENC

BENEDETTI, R.L.	<input checked="" type="checkbox"/>
BENJAMIN, A.	
BERMAN, H.S.	
CARNIVAL, G.J.	
CORDOVA, R.C.	
CROUCHER, D.W.	
DAVIS, J.G.	
FERRERA, D.W.	
HANNI, B.J.	
HEALY, T.J.	
HEDDAHL, T.G.	
HILBIG, J.G.	
IDEKER, E.H.	
KIRBY, W.A.	
KUESTER, A.W.	
LEE, E.M.	
MANN, H.P.	<input checked="" type="checkbox"/>
MARX, G.E.	
McKENNA, F.G.	
MORGAN, R.V.	
PIZZUTO, V.M.	
POTTER, G.L.	
RILEY, J.H.	
SANDLIN, N.B.	
SATTERWHITE, D.G.	
SCHUBERT, A.L.	
SETLOCK, G.H.	
SHEPLER, R.L.	
SULLIVAN, M.T.	
SWANSON, E.R.	
WILSON, R.B.	<input checked="" type="checkbox"/>
WILSON, J.M.	<input checked="" type="checkbox"/>
ZANE, J.O.	<input checked="" type="checkbox"/>

Nesta ☒ SX  
Gronk ☒ MX

CORRES. CONTROL ☒ x ☒  
TRAFFIC ☒

Reviewed for Addressee  
Corres. Control RFP

2-16-93

DATE BY

Ref Ltr. #

States Government

# Memorandum

FEB 12 1993

ERD:BKT:01467

Bald Eagle Sightings

James O. Zane, General Manager, EG&G Rocky Flats, Inc.  
William R. Gillison, General Manager, Wackenhut Security, Inc.

At a February 3, 1993, meeting with the U.S. Fish and Wildlife Service (FWS), DOE/RFO was made aware that a nesting pair of bald eagles has established residency in the vicinity of the northwest portion of Standley Lake. The FWS indicated that the eagles have been present at this location for the last two to three weeks. They further indicated that these eagles have been observed flying into the RFP buffer zone presumably foraging for food in the Walnut and Woman Creek drainages.

Bald eagles currently receive protection under the Endangered Species Act, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Each of these Federal statutes has civil and criminal liability provisions for violations including "take". In addition, there are civil and criminal liability provisions in the State of Colorado statutes for violations including "take". Under the Endangered Species Act, "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct. "Take" under the Bald and Golden Eagle Protection Act includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. Thus, even approaching an eagle is interpreted as take by the FWS.

I request that you notify all members of your staff as well as all subcontractor staff members that the eagles may be encountered at the RFP. If they are sighted, we request that actions be taken to avoid "take" which includes molesting and disturbing. The bottom line is that eagles foraging, resting, etc., at the RFP should not be approached or disturbed in any way.

In addition, if an eagle is sighted at the RFP, I request that information such as the time of day, location, activity, etc. be reported to Steve Nesta, EG&G, at extension 8605. This information will be of great value regarding our compliance activities under the above statutes.

Thank you for your cooperation.

